

MEMORANDUM

Agenda Item No. 4(C)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 3, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to traffic intersection safety and red light violations; amending Section 30-422 of the Code providing that net revenues received from red light camera violations shall be used to supplement capital infrastructure projects in the unincorporated area

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(C)

6-3-14

ORDINANCE NO. _____

ORDINANCE RELATING TO TRAFFIC INTERSECTION SAFETY AND RED LIGHT VIOLATIONS; AMENDING SECTION 30-422 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT NET REVENUES RECEIVED FROM RED LIGHT CAMERA VIOLATIONS SHALL BE USED TO SUPPLEMENT CAPITAL INFRASTRUCTURE PROJECTS IN THE UNINCORPORATED AREA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, during the 2010 state legislative session, the Florida Legislature enacted Chapter 2010-80, Laws of Florida (HB 325), the Mark Wandall Traffic Safety Act, authorizing counties and municipalities to use cameras for red light enforcement; and

WHEREAS, Chapter 2010-80 imposes a \$158 fine for red light camera violations, of which:

- * \$75 is retained by the county or municipality;
- * \$70 goes to the state general revenue fund;
- * \$10 goes to trauma centers, including Jackson Memorial Hospital; and
- * \$3 goes to the Miami Project to Cure Paralysis; and

WHEREAS, on July 8, 2010, this Board enacted Resolution No. R-759-10, which authorized the installation of red light cameras at high crash, high volume intersections and directed the Mayor or Mayor's designee to implement a red light camera program in Miami-Dade County; and

WHEREAS, on January 20, 2011, this Board enacted Ordinance No. 11-01, which authorized and regulated the use of red light cameras only in the unincorporated area of Miami-Dade County consistent with the Mark Wandall Traffic Safety Act; and

WHEREAS, Ordinance No. 11-01 also prohibited the use of red light cameras for enforcement of right turns on red; and

WHEREAS, Ordinance No. 11-01 provides that revenue realized by the County pursuant to the Act, once all associated costs have been paid and distributions made as required by the Act, shall supplement the unincorporated municipal service area (UMSA) budget, subject to annual appropriation by the Board; and

WHEREAS, based on Resolution No. R-759-10 and Ordinance No. 11-01, the Administration is currently in the process of procuring a red light camera vendor and implementing a red light camera program, but no red light cameras have been installed as of yet by Miami-Dade County; and

WHEREAS, during the 2013 state legislative session, the Florida Legislature enacted Chapter 2013-160, Laws of Florida (HB 7125), which amended the Mark Wandall Traffic Safety Act to provide counties and municipalities the option of providing a local hearing process at the notice of violation stage related to red light camera violations; and

WHEREAS, on December 3, 2013, this Board enacted Ordinance No. 13-116, which amended the red light camera ordinance to establish a local hearing process for red light camera violations pursuant to Chapter 2013-160 so that people who receive a red light camera notice of violation can request a hearing without the added expense of the violation becoming a uniform traffic citation and risking possible points on a person's driving record; and

WHEREAS, the unincorporated area of Miami-Dade County has substantial unmet infrastructure needs; and

WHEREAS, these infrastructure needs in the unincorporated area of Miami-Dade County include, among other things, the following:

1. Installation of additional sidewalks and bicycle and pedestrian paths;
 2. Construction of additional flood control and drainage infrastructure;
 3. Implementation of "Complete Streets" roadway reconfigurations to improve the safety and access for users of all means of transportation, including bicyclists and pedestrians;
 4. Installation of additional crossing signals and other safety infrastructure;
- and

WHEREAS, this Board now desires to amend Ordinance No. 11-01 to provide that when red lighter cameras are installed in the unincorporated areas of Miami-Dade County, revenues realized by the County pursuant to the red light camera program, once all associated costs have been paid and distributions made as required by the Act, shall be distributed to supplement the funding of capital infrastructure projects in the unincorporated area of Miami-Dade County, subject to annual appropriation by the Board,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 30-422 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 30-422. Traffic intersection safety and traffic infraction detectors.

* * *

(10) Revenue. Revenue realized by the County pursuant to the Act, once all associated costs have been paid and distributions made as required by the Act, shall supplement the unincorporated municipal service area (UMSA) budget>>, all of

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

which shall be used to supplement the funding of capital infrastructure projects in the unincorporated area of Miami-Dade County<<. This provision shall be subject to annual appropriation by the Board.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jess M. McCarty

Prime Sponsor: Juan C. Zapata